

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

8/14/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 03-00193SOM  
CASE NAME: USA vs. Dwight Joseph Martin  
ATTYS FOR PLA: Michael Kawahara  
ATTYS FOR DEFT: Pamela O'Leary Tower  
Mona Godinet (USPO)

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JUDGE:	Susan Oki Mollway	REPORTER:	Debra Chun
DATE:	8/14/2006	TIME:	2:15 - 3:20

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COURT ACTION: EP: Sentencing to Counts 1 and 2 of the Indictment; Defendant's Motion for Downward Departure; Motion to Withdraw as Counsel and to Appoint New Counsel to Represent Defendant on Appeal -

Defendant Dwight Joseph Martin present.

Discussion held re: the objection to the PSR (paragraph 55) re: issue of imposition of a fine - to be discussed at a further hearing.

The Presentence Investigation Report, with the exception of paragraph 55, and the USPO's recommendation are adopted by the Court, and placed under seal.

Court reserves the issue of paragraph 55 for a further hearing.

The Memorandum of Plea Agreement has been accepted by the Court.

Defendant's Motion for Downward Departure - Granted.

ADJUDGED:

Probation: 5 Years.

Fine: to be determined at a later hearing.

Special Assessment: \$200.00 (\$100.00 as to each count).

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision, unless there is a positive drug test, in which event the maximum shall increase to up to one valid drug test per day.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant execute all financial disclosure forms, and provide the Probation Office and the Financial Litigation Unit of the U.S. Attorney's Office access to any requested financial information to include submitting to periodic debtor's examinations as directed by the Probation Office.
- ▶ That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Defendant advised of his right to appeal.

A continued hearing re: issue of a fine and the Motion to Withdraw as Counsel and to Appoint New Counsel to Represent Defendant on Appeal - is set for 9/5/06 @ 3:00 p.m.

Defendant elects to be present by telephone, and waives his right to be physically present at the continued hearing.

Submitted by: Toni Fujinaga, Courtroom Manager.